

ENROLLED ORIGINAL

A RESOLUTION

17-826

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2008

To declare the existence of an emergency with respect to the need to modify the definitions of the terms “owner” and “project” for the approval of the Rhode Island Avenue Metro Plaza revenue bonds, to clarify the purposes for which the bond proceeds may be used, to require the creation of separate accounts within the Rhode Island Avenue Metro Plaza PILOT Fund, to clarify that the payment in lieu of taxes includes both real property taxes and possessory interest taxes, and to reduce the amount of the construction sales tax abatement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Rhode Island Avenue Metro Plaza Sales Tax Exemption Emergency Declaration Resolution of 2008”.

Sec. 2. (a) The Rhode Island Avenue Metro Plaza project is a mixed-use, transit-oriented project that will include revitalized and expanded retail space, residential apartments, and an improved Washington Metropolitan Area Transit Authority (“WMATA”) replacement garage facility in the underserved Brentwood neighborhood.

(b) The development program will consist of approximately 70,000 gross square feet of retail space (including a 10% set-aside for local businesses and community entrepreneurs), approximately 274 residential apartments (including 20% affordable units), and approximately 746 parking spaces contained in 2 private garages. The WMATA garage will contain 215 Metro parking spaces reserved for Metro ridership; 140 additional spaces for Metro parking will be accommodated during specified hours through shared parking in the private garages.

(c) The project will generate significant community benefits including 55 apartment units for tenants making no more than 50% of the area median income. The project will also include 10% of all the retail space for local businesses and community entrepreneurs. The project will generate approximately 357 construction jobs and approximately 194 full-time-equivalent jobs. The project will also provide contracting opportunities with certified business enterprises. In addition, the project will deliver an improved replacement garage for WMATA which will benefit the WMATA riders who are primarily District residents. Lastly, the project will generate \$3.4 million (2007 dollars) in total direct annual District of Columbia tax revenue.

ENROLLED ORIGINAL

(d) The need for a replacement parking garage for WMATA, which required 215 parking spaces reserved for Metro ridership, created a funding gap of approximately \$8.2 million.

(e) In early 2008, the Council approved the Rhode Island Metro Plaza Revenue Bonds Approval Act of 2008 ("Act").

(f) The Act authorized the issuance of up to \$7.2 million in PILOT bonds and a construction sales tax exemption of up to \$2 million.

(g) The funding needed for the construction sales tax abatement is less than originally anticipated and should be reduced to \$1 million to more accurately reflect the current anticipated budget.

(h) The current version of the legislation contemplates a single PILOT payment; however, the residential and retail components of the project will be financed separately by different lenders and the lenders are requiring that the PILOT payment be separated into residential and retail components in order to avoid cross-collateralization.

(i) The legislation inaccurately describes the exemption from real property tax and the property with respect to which the payments in lieu of taxes will be made.

(j) The "project", as defined previously, needs clarification; it was previously defined broadly to include the financing, refinancing, or reimbursing of costs incurred for the acquisition, construction, installing, and equipping of residential and retail buildings and parking facilities comprising a mixed-use development project to be constructed at the Rhode Island Avenue Metro station. This definition of "project" needs to be modified to reflect only the parking garage for the Washington Metropolitan Area Transit Authority as part of the project which is the only facility primarily benefited by the District's PILOT funding and construction sales tax abatement.

(k) Closing for the project is scheduled to occur on October 31, 2008. In order for the developer to obtain the New Market Tax Credit ("NMTC") financing for the project, the developer is required to close with the District by October 31, 2008; otherwise, the developer will lose its NMTC commitment from its lender.

(l) Any delay in closing the project creates an increased risk that project costs will rise and project financing will be placed at risk, creating unnecessary threats to the viability of the project.

(m) In order to secure the NMTC financing for the project, to allow the project to move forward on the current construction schedule and to avoid a threat to the feasibility of the project caused by a construction delay and to allow immediate maximization of benefits to the District of Columbia and its residents, emergency action is necessary.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Rhode Island Avenue Metro Plaza Revenue Bonds Approval Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-827

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2008

To declare the existence of an emergency with respect to the need to authorize and provide for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$61.75 million of in one or more series and to authorize and provide for the loan of the proceeds of the bonds to The American University, a nonprofit institution of higher education chartered by a special Act of Congress, to assist in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "The American University Refunding Revenue Bonds Project Emergency Declaration Resolution of 2008".

Sec. 2. (a) The American University (the "University"), a nonprofit institution of higher education chartered by a special Act of Congress, seeks to have District of Columbia revenue bonds (the "Bonds") issued for the financing, refinancing, or reimbursing of certain or all of the costs incurred to:

(1) Currently refund the District of Columbia Variable Rate Demand Revenue Bonds (The American University Issue) Series 1985, and the District of Columbia Variable Rate Demand Revenue Bonds (The American University Issue) Series A, the proceeds of which were used to finance the construction, capital improvement, renovation, furnishing, and equipping of new and existing student dormitories and health facilities, parking lots and garages, recreational athletic sport facilities, administrative offices, and other land, building, and equipment acquisitions located primarily on the University's main campus located at 4400 Massachusetts Avenue, N.W., and Tenley Campus located at 4340 Nebraska Avenue, N.W., both in Washington, D.C.;

(2) Fund any appropriate or necessary reserves relating to the Bonds; and

(3) Pay applicable issuance costs and credit enhancement costs.

(b) Interest rates on the tax-exempt bonds are presently low, but interest rates are volatile and, in order for the University to maximize interest savings on the Bonds, the issuance needs to occur prior to the next scheduled Council meeting.

ENROLLED ORIGINAL

(c) Council approval of the bond resolution authorizing the issuance of up to \$61.75 million of Bonds would permit the Bonds to be issued promptly to provide maximum savings for the University.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the The American University Refunding Revenue Bonds Project Emergency Approval Resolution of 2008 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-828

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2008

To authorize and provide, on an emergency basis, for the issuance, sale, and delivery of District of Columbia revenue bonds in an aggregate principal amount not to exceed \$61.25 million in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist The American University in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "The American University Refunding Revenue Bonds Project Emergency Approval Resolution of 2008".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

(1) "Authorized Delegate" means the Mayor, the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the bonds, which owner shall be The American University, a nonprofit institution of higher education chartered by a special Act of Congress, exempt from federal income taxes.

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements other than Financing Documents that may be necessary and appropriate to issue, sell, and deliver the bonds and

ENROLLED ORIGINAL

to make the loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "Costs" means all fees, costs, charges, and expenses paid or incurred in connection with undertaking, other than Issuance Costs, permitted under section 490 of the Home Rule Act.

(8) "District" means the District of Columbia.

(9) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the bonds and the making of the loan, including any offering document, and any required supplements to any such documents.

(10) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(11) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the bonds and the making of the loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the bonds and the making of the loan contemplated thereby, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(12) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the bonds to the borrower.

(13) "Project" means the financing, refinancing, or reimbursing of all or a portion of the borrower's cost to:

(A) Currently refund the District of Columbia Variable Rate Demand Revenue Bonds (The American University Issue) Series 1985, and the District of Columbia Variable Rate Demand Revenue Bonds (The American University Issue) Series A, the proceeds of which were used to finance the construction, capital improvement, renovation, furnishing, and equipping of new and existing student dormitories and health facilities, parking lots and garages, recreational athletic sport facilities, administrative offices, and other land, building, and equipment acquisitions located primarily on the borrower's main campus located at 4400 Massachusetts Avenue, N.W., and Tenley campus located at 4340 Nebraska Avenue, N.W., both in Washington, D.C.;

(B) Fund any appropriate or necessary reserves relating to the bonds; and

(C) Pay applicable issuance and credit enhancement costs.

ENROLLED ORIGINAL

Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by resolution, authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of costs, of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$61.75 million, and to make the loan for the purpose of financing, refinancing, or reimbursing costs of the project.

(3) The project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The project is an undertaking in the area of higher education and contributes to the health, safety and welfare of residents of the District within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the bonds and the loan to the borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the project by:

(1) The issuance, sale, and delivery of the bonds, in one or more series, in an aggregate principal amount not to exceed \$61.75 million; and

(2) The making of the loan.

(b) The Mayor is authorized to make the loan to the borrower for the purpose of financing, refinancing, or reimbursing the costs of the project and establishing any fund with respect to the bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the bonds, the District's participation in the monitoring of the use of the bond proceeds and compliance with any public benefit agreements with the District, maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the bonds.

ENROLLED ORIGINAL

Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds of each series, including, but not limited to, determinations of:

- (1) The final form, content, designation, and terms of the bonds, including a determination that the bonds may be issued in certificated or book-entry form;
- (2) The principal amount of the bonds to be issued and denominations of the bonds;
- (3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds;
- (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the bonds, and the maturity date or dates of the bonds;
- (5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
- (6) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;
- (7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;
- (8) The time and place of payment of the bonds;
- (9) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that the proceeds are properly applied to the project and used to accomplish the purposes of the Home Rule Act and this resolution;
- (10) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and
- (11) The terms and types of credit enhancement under which the bonds may be secured.

(b) The bonds shall contain a legend, which shall provide that the bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve, the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

(e) The bonds of any series may be issued in accordance with the terms of a trust

ENROLLED ORIGINAL

instrument to be entered into by the District and a trustee to be selected by the borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the bonds.

(a) The bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interests of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the bonds.

(c) The Mayor is authorized to deliver the executed and sealed bonds, on behalf of the District, for authentication, and, after the bonds have been authenticated, to deliver the bonds to the original purchasers of the bonds upon payment of the purchase price.

(d) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds of such series and, if the interest on the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the loan, income realized from the temporary investment of those receipts and revenues prior to payment to the bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the bonds pursuant to the Financing Documents.

Sec. 8. Financing and closing documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents that may be necessary or appropriate to issue, sell, and

ENROLLED ORIGINAL

deliver the bonds and to make the loan to the borrower.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of, or involve, the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the bonds.

(c) Nothing contained in the bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the borrower and any bond owner, shall have

ENROLLED ORIGINAL

any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees or agents to perform any covenant, undertaking, or obligation under this resolution, the bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the bonds, the Financing Documents, or the Closing Documents.

Sec. 12. Maintenance of documents.

Copies of the specimen bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of bonds is in the discretion of the District. Nothing contained in this resolution, the bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any bonds for the benefit of the borrower or to participate in or assist the borrower in any way with financing, refinancing, or reimbursing the costs of the project. The borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any bonds for the benefit of the borrower.

(b) The District reserves the right to issue the bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time

ENROLLED ORIGINAL

of the proposed issuance of the bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the project, does not provide any assurance that the project is viable or sound, that the borrower is financially sound, or that amounts owing on the bonds or pursuant to the loan will be paid. The borrower, any purchaser of the bonds, or any other person shall not rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the bonds shall expire.

Sec. 16. Severability.

If any particular provision of this resolution or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the bonds, and the validity of the bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147 (f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the project. This resolution has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 19. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer Budget Director as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act.

Sec. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-829

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2008

To declare the existence of an emergency with respect to the need to authorize the use of the new convention center vault space by the new convention center hotel for certain purposes and to authorize an underground airspace lease in addition to vault permits.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "New Convention Center Hotel Emergency Declaration Resolution of 2008".

Sec. 2. (a) In 2006, the Council of the District of Columbia approved legislation to authorize the financing and development of a convention center hotel.

(b) Since that time, the District and the developer of the hotel have engaged in extensive negotiations.

(c) The District and the developer are near final agreement on the terms and conditions for the financing and development of the hotel.

(d) The convention center hotel authorizing act authorizes the Mayor to enter into a ground lease and a vault space agreement for the pedestrian and vehicle tunnel/connection within the project. The Office of the Attorney General has determined that an airspace lease is the most appropriate agreement for this aspect of the project, but the act does not currently authorize an airspace lease in a manner appropriate for the expected terms of the hotel project.

(e) To construct and operate the tunnel/connection, it will be necessary for the hotel to use the convention center's access ramp and associated driveways, to construct and maintain access ways from the convention center's access ramp and associated driveways, and to construct, operate, and maintain a portion of the pedestrian connector within the new convention center's vault space. The current legislation does not explicitly authorize such actions.

(f) Without legislation appropriately authorizing the Mayor to enter into an airspace agreement and authorizing the use of the new convention center vault space by the convention center hotel, the District will be unable to proceed with the execution of the financing and development agreement for the convention center hotel, the project will be unnecessarily delayed, and important community and economic development benefits will be delayed.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the New Convention Center Hotel Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-838

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 21, 2008

To appoint Mr. Joseph M. Bress to the District of Columbia Retirement Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Retirement Board Joseph M. Bress Appointment Resolution of 2008".

Sec. 2. The Council of the District of Columbia appoints:

Mr. Joseph M. Bress
3704 Harrison Street, N.W.
Washington, D.C. 20015-1816
(Ward 3)

as a member of the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; D.C. Code Official §1-711), replacing Shireen L. Dodson, for a term to end January 27, 2012.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee and to the Chairman of the District of Columbia Retirement Board.

Sec. 4. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A RESOLUTION

17-839

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 21, 2008

To confirm the appointment of Ms. Robin-Eve Jasper as the Chief Property Management Officer.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Chief Property Management Officer Robin-Eve Jasper Confirmation Resolution of 2008".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Robin-Eve Jasper
5805 Overlea Road
Bethesda, MD 20816

as the Chief Property Management Officer, established by section 1802 of the Office of Property Management Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 10-1001), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-840

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 21, 2008

To declare the sense of the Council on the need to temporarily halt activity on the 12th Street streetscape improvement project in Ward 5 to support the Brookland community's desire to explore placing all utility lines along this corridor underground to vastly increase the ability of this community to reach the best environmental and aesthetic outcome.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council on Exploring the Environmental and Aesthetic Quality of the 12th Street Streetscape Improvement Project Resolution of 2008".

Sec. 2. The Council finds that:

- (1) The Brookland community held a rally on August 23, 2008, voicing their overwhelming desire to bury utility lines along the 12th Street corridor that currently present an eyesore and environmental burden to small business owners, patrons, and residents.
- (2) The current status of the utility lines prevent the possibility of having healthy trees lining the streets that provide an aesthetically pleasing and environmentally important canopy.
- (3) The Council has already budgeted sufficient funds to explore the possibility of burying the utility lines for this project.

Sec. 3. It is the sense of the Council that the 12th Street streetscape improvement project in Ward 5 be temporarily paused to fully explore placing the utility lines along the 12th Street corridor underground.

Sec. 4. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the Mayor

Sec. 5. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A RESOLUTION

17-841

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 21, 2008

To declare the existence of an emergency, due to Congressional review, with respect to the need to proscribe the sales of single containers of beer, malt liquor, or ale by off-premises retailers located in Mt. Pleasant, in Ward 1; Advisory Neighborhood Commissions 2C and 2F, in Ward 2; and Single Member District ANC 6C09, in Ward 6.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Mt. Pleasant, Targeted Ward 2, and Targeted Ward 6 Single Sales Moratorium Congressional Review Emergency Declaration Resolution of 2008".

Sec. 2. (a) There exists an immediate crisis regarding the sale of single containers of alcohol, which contributes to vagrancy, public urination, public intoxication, crime, and other anti-social behavior. Single containers often litter the public areas in the vicinity of off-premise retailers, which contribute to blighted neighborhoods.

(b) The Council has received overwhelming public testimony and support for banning the sale of singles as one of several ways of combating the social ills plaguing our neighborhoods.

(c) Areas of the District where singles have been banned have seen a marked decrease in Metropolitan Police Department calls for service, and of the anti-social behavior described above.

(d) Nearly identical emergency legislation, which the Council approved on July 15, 2008, will expire on October 26, 2008. Similar permanent legislation was approved by the Council on October 7, 2008. This congressional review emergency is necessary to avoid any gap in legal authority.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Mt. Pleasant, Targeted Ward 2, and Targeted Ward 6 Single Sales Moratorium Congressional Review Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-842

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 21, 2008

To declare the existence of an emergency with respect to the need to appoint Neil O. Albert, Deputy Mayor for Planning and Economic Development, to the Board of Directors of the Washington Metropolitan Area Transit Authority.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Directors of the Washington Metropolitan Area Transit Authority Neil O. Albert Appointment Emergency Declaration Resolution of 2008".

Sec. 2. (a) The Washington Metropolitan Area Transit Authority ("WMATA") was established by an act of Congress, approved on November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01) ("Congressional act"), as an interstate compact between the District of Columbia, the State of Maryland, and the Commonwealth of Virginia to plan, finance, construct, and operate a mass-transit system for the Washington metropolitan area. A Board of Directors, consisting of 2 members and 2 alternate members from each of the 3 jurisdictions, governs WMATA. The Congressional act and interstate compact designate the Council as the appointing authority for the 4 District members.

(b) The Mayor has recommended Neil O. Albert, the Deputy Mayor for Planning and Economic Development, to the Council for appointment to the WMATA Board of Directors, replacing Emeka Moneme, the former Director of the District Department of Transportation.

(c) There is an immediate need to appoint Mr. Albert so that the District has both its voting members, in addition to its 2 alternate members, on the WMATA Board of Directors as soon as possible to ensure full District input regarding a number of important issues currently under consideration.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Board of Directors of the Washington Metropolitan Area Transit Authority Neil O. Albert Emergency Appointment Resolution of 2008 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-843

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 21, 2008

To appoint, on an emergency basis, Mr. Neil O. Albert, Deputy Mayor for Planning and Economic Development, to the Board of Directors of the Washington Metropolitan Area Transit Authority.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Directors of the Washington Metropolitan Area Transit Authority Neil O. Albert Emergency Appointment Resolution of 2008".

Sec. 2. The Council of the District of Columbia appoints:

Mr. Neil O. Albert
1358 Locust Road, N.W.
Washington, D.C. 20012
(Ward 4)

Deputy Mayor for Planning and Economic Development, as a member of the Board of Directors of the Washington Metropolitan Area Transit Authority, in accordance with section 5(a) of the Washington Metropolitan Area Transit Authority Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01), replacing Emeka Moneme, to serve at the pleasure of the Council.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee, the Washington Metropolitan Area Transit Authority, and the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-844

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 21, 2008

To declare the existence of an emergency with respect to the need to require the Mayor to bury all utility lines along 12th Street, N.E., between Rhode Island Avenue and Michigan Avenue in Ward 5, out of the existing funds budgeted by the Council.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Utility Line Emergency Declaration Resolution of 2008" .

Sec. 2. (a) The streetscape project for 12th Street, N.E., is currently underway. After the money is exhausted, there will not be an opportunity to address this critical environmental issue. Therefore, an emergency situation exists to explore the possibility of placing the utility lines underground while there are sufficient funds to address the challenge.

(b) The Brookland community held a rally on August 23, 2008, voicing their overwhelming desire to bury utility lines along the 12th Street corridor that currently present an eyesore and environmental burden to small business owners, patrons, and residents.

(c) The current status of the utility lines prevents the possibility of having healthy trees lining the streets, providing an aesthetically pleasing and environmentally important canopy.

(d) The Council has already budgeted sufficient funds to explore the possibility of burying the utility lines for this project.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Utility Line Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-845

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 21, 2008

To declare the existence of an emergency with respect to the need to amend the Eastern Market Real Property Asset Management and Outdoor Vending Act of 1998 to authorize the Chief Property Management Officer to operate and manage the Eastern Market Square during periods of time when there is not a contract with a market manager, and to change the index used to limit rent increases to the Consumer Price Index-Urban.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Eastern Market Emergency Declaration Resolution of 2008".

Sec. 2. (a) There exists an immediate need to authorize the Chief Property Management Officer ("CPMO") to have the authority to manage the Eastern Market Square.

(b) The contract of the current market manager, Eastern Market Venture, shall expire on December 31, 2008.

(c) All of the bids have been received and the period of request for proposals closed on October 14, 2008.

(d) The selection process is underway; however, no selection has been made.

(e) Presently, the CPMO must contract with a market manager and must lease the Eastern Market Square space to the market manager.

(f) There is a need to relieve the CPMO of the requirement to lease the property and hire a market manager, as it is very unlikely that a new market manager will be found prior to the expiration of the contract of the current market manager.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Eastern Market Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-846

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 21, 2008

To declare the existence of an emergency with respect to the need to amend the District of Columbia Public Postsecondary Education Reorganization Act to allow a member of the University of the District of Columbia Board of Trustees to serve beyond the expiration of his or her term until a successor has been appointed and confirmed.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "University of the District of Columbia Board of Trustees Emergency Declaration Resolution of 2008".

Sec. 2. (a) On May 15, 2008, the terms of 6 of the 15 members of the University of the District of Columbia Board of Trustees ("Board") expired.

(b) Under existing law, a member of the Board whose term has expired is allowed to hold over in his or her position for 180 days. For those members whose term expired May 15, 2008, the holdover period will expire November 11, 2008. Without appropriate appointments, only 9 members of the Board will remain beyond November 11, 2008.

(c) Eight members of the Board must be present at a Board meeting to constitute a quorum, leaving only one alternate position at each meeting. The absence of a quorum would prohibit the Board from moving forward with decision-making activities.

(d) Given the critical duties and responsibilities of the Board, the increased risk of failing to obtain a quorum at Board meetings, and the time required to complete the confirmation process for new nominees, emergency legislation is necessary to authorize a Board member to serve until a successor has been appointed to ensure continuation of Board operations.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the University of the District of Columbia Board of Trustees Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-847

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 21, 2008

To declare the existence of an emergency with respect to the need to authorize the issuance of District of Columbia general obligation tax revenue anticipation notes to finance general governmental expenses for the fiscal year ending September 30, 2009.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2009 Tax Revenue Anticipation Notes Emergency Declaration Resolution of 2008".

Sec. 2. (a) On a yearly basis, the District borrows money on a short-term basis, to be repaid back in the same fiscal year, to ensure we have sufficient cash flow throughout the fiscal year to run the government.

(b) Given the upheaval in world financial markets, it is prudent to give the Chief Financial Officer and the Treasurer the authority to take these notes to market with the greatest amount of flexibility on the timing of the District's offering.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2009 Tax Revenue Anticipation Notes Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-848

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 21, 2008

To declare the existence of an emergency with respect to the need to amend the Inclusionary Zoning Implementation Amendment Act of 2006 to require that final rulemaking to implement inclusionary zoning, including the maximum rent and purchase price schedule, be published by a time certain.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Inclusionary Zoning Regulations Emergency Declaration Resolution of 2008".

Sec. 2. (a) The Sense of the Council in Support of Mandatory Inclusionary Zoning Resolution of 2005 was unanimously passed by the Council on July 6, 2005 (Res. 16-218; 52 DCR 6702).

(b) The Zoning Commission for the District of Columbia adopted Inclusionary Zoning Regulations on August 25, 2006 (Zoning Commission No. 04-33; 53 DCR 7013).

(c) The Inclusionary Zoning Implementation Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C. Official Code § 6-1041.01 *et seq.*) ("Act"), was passed by the Council of the District of Columbia unanimously on December 19, 2006, and signed by the Mayor on December 28, 2006.

(d) Funds to administer the Act have been available since the beginning of fiscal year 2008. Funds were requested in the Fiscal Year 2008 Budget Request Act, signed by the Mayor on May 25, 2007 (D.C. Act 17-51; 54 DCR 5506), and were appropriated by Congress in the Joint Resolution Making further continuing appropriations for the fiscal year 2008, and for other purposes, approved September 29, 2007 (Pub. L. No. 110-92; 121 Stat. 989), and, subsequently, the District of Columbia Appropriations Act, 2008, approved December 26, 2007 (Pub. L. No. 110; 161; 121 Stat. 1844). Funds were also requested in the Fiscal Year 2009 Budget Request Act, signed by the Mayor on June 18, 2008 (D.C. Act 17-409; 55 DCR 6990), and were appropriated by Congress in the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, approved September 30, 2008 (Pub L. No. 110-329; 122 Stat. 3574).

ENROLLED ORIGINAL

(e) The Act requires the Mayor to promulgate regulations to implement the Inclusionary Zoning Program, including amendments to Title 12A of the District of Columbia Municipal Regulations, and to publish the maximum rent and purchase price schedule in the District of Columbia Register.

(f) The Act has been law for over 19 months. Funds to administer the Act have been appropriated since the start of fiscal year 2008.

(g) Pursuant to the Inclusionary Zoning Implementation Emergency Amendment Act of 2008, passed by the Council unanimously on February 5, 2008 (D.C. Act 17-304; 55 DCR 2514), the Mayor, on April 4, 2008, submitted to the Council for review and approval proposed rulemaking to implement the Inclusionary Zoning Program, along with the Inclusionary Zoning Program Implementing Regulations Approval Resolution of 2008 (PR17-747), which was deemed approved May 29, 2008. This proposed rulemaking, including the proposed maximum rent and purchase price schedule, was published on April 11, 2008, in the District of Columbia Register (55 DCR 2865). However, final rulemaking, including the maximum rent and purchase price schedule, has not been published. Because final regulations have not been promulgated as required by section 107 of the Act, and the maximum rent and purchase price schedule has not been published as required by section 104 of the Act, the Inclusionary Zoning Program has not been implemented.

(h) Continuing delays in meeting the rulemaking and publication requirements for the Inclusionary Zoning Program have resulted in the loss of affordable mixed-income units being included in many residential developments.

(i) Emergency legislation is need to provide that the final rulemaking and publication requirements for the Inclusionary Zoning Program be met expeditiously, by a date certain, to prevent the further loss of mixed-income units in new residential developments that would be required pursuant to the Act.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Inclusionary Zoning Regulations Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-849

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 21, 2008

To declare the existence of an emergency with respect to the need to amend the Designated Appropriation Allocations Act of 2008 to authorize the Children and Youth Investment Trust Corporation to utilize up to 3% of the total amount of funds awarded as grants on administrative costs.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2009 Children and Youth Investment Trust Corporation Allowable Administrative Costs Increase Emergency Declaration Resolution of 2008".

Sec. 2. (a) Section 8002(c)(2) of the Designated Appropriation Allocations Act of 2008, effective August 16, 2008 (D.C. Law 17-219; 55 DCR 7602) ("Act"), authorized the Children and Youth Investment Trust Corporation ("CYITC") to utilize up to 2% of the total amount of the grants awarded in the Act on administrative costs.

(b) In the months after the vote and approval of the Act, CYITC expressed concern that 2% would be inadequate to cover their administrative expenses and requested a higher amount.

(c) Given the costs that CYITC will incur in its capacity as a pass-through agency, it is necessary to raise the authorization from 2% to 3% to provide it with sufficient funds for administrative costs.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2009 Children and Youth Investment Trust Corporation Allowable Administrative Costs Increase Emergency Amendment Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-850

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 21, 2008

To declare the existence of an emergency with respect to the need to disapprove Contract No. DCAM-2008-D-0078-A13 with Columbia Enterprises, Inc., for construction services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Proposed Contract No. DCAM-2008-D-0078-A13 Disapproval Emergency Declaration Resolution of 2008".

Sec. 2. (a) The Office of Contracts and Procurement is proposing to contract with up to 15 firms to provide construction services on a task-ordered basis during a base contract year and 4 option years.

(b) Each task order is limited to a maximum of \$3 million, and the total value each year of all task orders can not exceed \$10 million. Approval of this contract will mean that the Council will not review the task orders in excess of \$1 million, as it would normally for contracts over \$1 million. The Council is concerned that this practice would result in less knowledge of the progress on individual capital projects and in reduced general oversight of capital contracts.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Proposed Contract No. DCAM-2008-D-0078-A13 Emergency Disapproval Resolution of 2008 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-851

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 21, 2008

To disapprove, on an emergency basis, Contract No. DCAM-2008-D-0078-A13 with Columbia Services, Inc.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Proposed Contract No. DCAM-2008-D-0078-A13 Emergency Disapproval Resolution of 2008".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council disapproves Contract No. DCAM-2008-D-0078-A13 in the amount of \$10 million, with Columbia Services, Inc.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-852

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 21, 2008

To declare the existence of an emergency with respect to the need to disapprove Contract No. DCAM-2008-D-0078-A17 with Rodgers Brothers Custodial Services for construction services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Proposed Contract No. DCAM-2008-D-0078-A17 Disapproval Emergency Disapproval Declaration Resolution of 2008".

Sec. 2. (a) The Office of Contracts and Procurement is proposing to contract with up to 15 firms to provide construction services on a task-ordered basis during a base contract year and 4 option years.

(b) Each task order is limited to a maximum of \$3 million, and the total value each year of all task orders can not exceed \$10 million. Approval of this contract will mean that the Council will not review the task orders in excess of \$1 million, as it would normally for contracts over \$1 million. The Council is concerned that this practice would result in less knowledge of the progress on individual capital projects and in reduced general oversight of capital contracts.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Proposed Contract No. DCAM-2008-D-0078-A17 Emergency Disapproval Resolution of 2008 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-853

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 21, 2008

To disapprove, on an emergency basis, Contract No. DCAM-2008-D-0078-A17 with Rodgers Brothers Custodial Services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Proposed Contract No. DCAM-2008-D-0078-A17 Emergency Disapproval Resolution of 2008".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council disapproves Contract No. DCAM-2008-D-0078-A17 in the amount of \$10 million, with Rodgers Brothers Custodial Services.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

17-854

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 21, 2008

To declare the existence of an emergency with respect to the need to amend Chapter 23 of Title 16 of the District of Columbia Official Code to require that factfinding hearings be conducted within specified time frames for juveniles ordered into secure detention or ordered into shelter care, and to require the Council to contract with a nonprofit organization with expertise in juvenile justice to conduct a study evaluating the impact of the required time frames upon the administration of justice in the Family Court of the Superior Court of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Juvenile Speedy Trial Equity Emergency Declaration Resolution of 2008".

Sec. 2. (a) There exists an immediate need to expand the statutory speedy trial rights for juveniles ordered into shelter care. Current District law requires that youth placed in secure detention are to have a factfinding hearing within set time frames from the date of detainment. These rights, however, do not apply to children that have been ordered into shelter care. It is necessary to amend the law to correct the disparate treatment of those juveniles in shelter care.

(b) Reducing the time that juveniles ordered into shelter care spend awaiting trial will increase the sense of accountability these juvenile offenders have for their actions, and reduce the disruption that occurs for innocent children that are charged and detained.

(c) The Committee on Public Safety and the Judiciary held a public hearing on Bill 17-431, the Juvenile Speedy Trial Equity Amendment Act of 2007, on November 2, 2007. The emergency legislation implements the provisions of that act, as amended, and requires an evaluation of those provisions on the administration of justice.

(d) It is critical that statutory changes expanding speedy trial rights be enacted now, so that the study's evaluation can be full and informed, and that it is completed this summer. The evaluation will enable the Council to deliberately consider permanent action on Bill 17-431.

(e) Bill 17-546, the Juvenile Speedy Trial Equity Temporary Act of 2008, is expected to expire on November 6, 2008.

(f) Emergency legislation is necessary to prevent a gap in legal authority.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Juvenile Speedy Trial Equity Emergency Act of 2008 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.